

Application No. 09/702226
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Amendment
Attorney Docket No. S63.2H-10991-US01

REMARKS

This Amendment is in response to the Office Action dated July 15, 2003. Claims 1, 2 and 4 - 47 are pending in this application. Claims 4 - 15, 20, 21, and 25 - 47 have been withdrawn from consideration. The Office Action rejects claims 17 and 18 under 35 USC § 112, second paragraph. The Office Action also rejects under 35 USC § 102, claims 1, 2, 16 - 18 and 22 - 24 over Burmeister (WO 95/31945) and claims 1, 2, 16, 17, 19 and 23 over Chandrasekaran (U.S. Patent No. 6093157); and under 35 USC § 103 rejects claim 19 over Burmeister in view of Alt (U.S. Patent No. 6217607).

By this Amendment, claims 1, 2, 16 and 18 are amended. No new matter has been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim Rejections - 35 USC § 112

The Office Action rejects claims 17 and 18 under 35 USC § 112, second paragraph as being indefinite because the recital of "said combination" allegedly lacks antecedent basis. This rejection is respectfully traversed.

Applicant asserts that claims 17 and 18 depend indirectly from claim 1, which recites "the second section comprising a combination of...." Thus, the recitation of "said combination" in dependent claims 17 and 18 is supported by claim 1.

Accordingly, Applicant requests withdrawal of the rejections under 35 USC § 112, second paragraph.

Claim Rejections

The Office Action rejects, under 35 USC § 102, claims 1, 2, 16 - 18 and 22 - 24 over Burmeister (WO 95/31945), and claims 1, 2, 16, 17, 19 and 23 over Chandrasekaran (U.S. Patent No. 6093157).

The Office Action also rejects, under 35 USC § 103, claim 19 over Burmeister in view of Alt (U.S. Patent No. 6217607).

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Burmeister

The Office Action relies, in particular, on Fig. 16 of Burmeister. The Office Action further relies on lines 3-13 of page 13 and lines 12-18 of page 7 for some of the dependent claims. Fig. 16 shows a multibraided stent made from micro-cables. The micro-cables are constructed of a plurality of intertwined wires of different alloys (page 13, lines 5-6 and Fig. 14-16). The stent of Fig. 16 does not meet the claim language at least for the reason that it does not have the recited first and second portions where the second portion is a constant distance from the central longitudinal axis along the length of the second section and where the thickness of the first section is equal to the thickness of the second section.

Chandrasekaran

Chandrasekaran discloses a radiopaque guide wire having a shaft and a radiopaque layer. The radiopaque layer 32 may comprise layers of softer 38 and harder 36 radiopaque materials. The radiopaque layer, in another embodiment, may comprise circumferential rings or a helical spiral of material 50. See Figures 2 – 6 and specification col 3, line 66 – column 5, line 16. Chandrasekaran does not meet the claim language at least for the reason that it does not have the recited first and second portions where the second portion is a constant distance from the central longitudinal axis along the length of the second section and where the thickness of the first section is equal to the thickness of the second section.

Burmeister/Alt

The Examiner cites Alt for the teaching that gold may be used as a coating on Nitinol for improved radiopacity. However, the addition of Alt does nothing to address the failure of Burmeister to meet the recited first and second portions of claim 1 where the second portion is a constant distance from the central longitudinal axis along the length of the second section and where the thickness of the first section is equal to the thickness of the second section.

Therefore, Applicants respectfully submit that independent claim 1 is not made unpatentable by the prior art of record. Claims 2, 16 – 19 and 22 – 24 depend from independent claim 1 and therefore are patentable over Burmeister in view of Alt for at least the reasons discussed above. Accordingly, Applicants respectfully request the withdrawal of the rejections

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under 35 USC § 102 and 35 USC § 103.

CONCLUSION

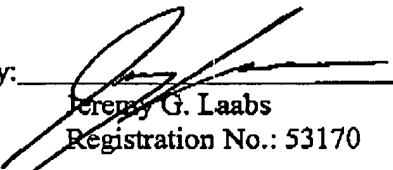
Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 2, 16 – 19 and 22 – 24 is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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